

SENATE BILL 160

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2004 Regular Session
4r0950

By: **Cecil County Senators**

Introduced and read first time: January 23, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County - Bridge or Road Construction or Repair Contracts**

3 FOR the purpose of altering the threshold amount of certain expenditures that are
4 required to be made by competitively bid contracts in Cecil County; repealing a
5 limitation on the amount of certain contracts that a contractor may be awarded
6 during a certain period; providing for the termination of this Act; and generally
7 relating to bridge or road construction or repair contracts in Cecil County.

8 BY repealing and reenacting, with amendments,
9 Article 25 - County Commissioners
10 Section 37A
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 25 - County Commissioners**

16 37A.

17 (a) (1) Except as provided in subsection (b) of this section, in Cecil County
18 the following purchases of goods and services shall be by competitively bid contract
19 awarded to the lowest responsive and responsible bidder:

20 (i) Any construction or repair of any bridge or road; and

21 (ii) Any purchase or lease of any road or construction equipment or
22 machinery.

23 (2) Except as provided in subsection (b) of this section, the County
24 Commissioners of Cecil County shall advertise for bids on any such contract in:

25 (i) 1 or more newspapers published in Cecil County; or

1 (ii) Such public notice as they deem most advisable, if no
2 newspaper is published in Cecil County.

3 (3) The public notice required by this subsection shall:

4 (i) Be given at least once;

5 (ii) Appear at least 1 week, but not more than 30 days, before the
6 final date for submitting bids;

7 (iii) If the contract pertains to bridge or road work, set forth the
8 place where the bridge or road is to be constructed or repaired;

9 (iv) Set forth a description of the goods or services being bid on;

10 (v) Provide notice that sealed proposals for the goods or services
11 will be received until a day named in the advertisement; and

12 (vi) Provide notice of the date for the opening of the bids.

13 (b) (1) Subsection (a) of this section does not apply to an expenditure by
14 Cecil County that:

15 (i) Is [~~\$7,500~~] \$10,000 or less in amount; or

16 (ii) A majority vote of the County Commissioners has declared to be
17 an emergency expenditure; provided that such a vote shall be a recorded vote taken at
18 a public meeting of the County Commissioners before providing for the expenditure.

19 (2) In any case where the expenditure is [~~\$7,500~~] \$10,000 or less in
20 amount, or which has been declared to be an emergency expenditure, the following
21 shall be in the discretion of the Cecil County Commissioners:

22 (i) The manner of providing for the expenditure, including whether
23 the work shall be done by contract or otherwise; and

24 (ii) If done by contract, the manner of letting the contract.

25 (c) [(1) Notwithstanding any other provision of law, in Cecil County a
26 particular contractor may not be awarded, during any 2-month period, more than a
27 total of \$20,000 worth of contracts which are not competitively bid.

28 (2) The limitation established by this subsection does not apply to
29 emergency contracts. However, before the awarding of an emergency contract, a
30 majority of the County Commissioners shall have affirmed the existence of an
31 emergency. The vote of the Commissioners in declaring the emergency shall be
32 recorded in the minutes of the next public meeting of the Commissioners.

33 (d)] Any willful violation of this section is a misdemeanor punishable by a fine
34 of not more than \$1,000.

1 [(e)] (D) (1) The County Commissioners of Cecil County may not enter into
2 any contract for the construction or repair of any bridge or road or the purchase or
3 lease of any road construction equipment or machinery except in accordance with the
4 provisions of this section.

5 (2) A contract that is entered into in violation of the provisions of
6 subsection (a) of this section is void, unless:

7 (i) It is determined in a subsequent judicial review that good faith
8 has been shown by all parties; and

9 (ii) There has been substantial compliance with the provisions of
10 subsection (a) of this section.

11 (3) If a contract is void under this subsection, the contractor shall be
12 compensated for costs actually incurred if the contractor:

13 (i) Acted in good faith;

14 (ii) Did not directly contribute to the violation; and

15 (iii) Did not have knowledge of the violation.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2004. It shall remain in effect for a period of 2 years and, at the end of
18 September 30, 2006, with no further action required by the General Assembly, this
19 Act shall be abrogated and of no further force and effect.